

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Christopher M Robinson Debtor U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2 ACQUISITION TRUST Movant v. Christopher M Robinson Debtor/Respondent Mary J Robinson Co Debtor/Respondent Kenneth E. West, Esquire Trustee/Respondent	Bankruptcy No. 23-12658-pmm Chapter 13 Hearing Date: July 11, 2024 Hearing Time: 11:00 A.M. Location: Robert N.C. Nix, Sr. Federal Courthouse 900 Market Street, Suite 400 Philadelphia, PA 19107
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**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2
ACQUISITION TRUSTFOR RELIEF FROM THE AUTOMATIC STAY AND CO-
DEBTOR STAY TO PERMIT U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN
ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2
ACQUISITION TRUST TO FORECLOSE ON 6 COBALT RIDGE DR E, LEVITTOWN,
PA 19057-1717**

Movant, U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2 ACQUISITION TRUST, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301, for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor(s), Christopher M. Robinson, filed a voluntary petition pursuant to Chapter 13 of

the United States Bankruptcy Code on September 6, 2023.

2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On June 24, 2008, Christopher M. Robinson (“Debtor”) and Mary J. Robinson (“Co-Debtor”) executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of the Note in the amount of \$241,200.00 to Countrywide Bank, FSB. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on July 3, 2008 in Instrument Number 2008060066 in Book 5846 at Page 1296 of the Public Records of Bucks County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 6 Cobalt Ridge Dr E, Levittown, PA 19057-1717, (“the Property”).
6. A loan modification was entered into on May 7, 2019, creating a new principal balance of \$302,439.16. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was lastly assigned to U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2 ACQUISITION TRUST and same was recorded with the Bucks County Recorder of Deeds on April 28, 2022 as Instrument Number 2022028201. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”
8. Based upon the Debtor(s)’ Chapter 13 Plan (Docket No.{9}), the Debtor intends to cure Movant's pre-petition arrearages within the Chapter 13 Plan and is responsible for

maintaining post-petition payments directly to Movant. A true and correct copy of the Chapter 13 Plan is attached hereto as Exhibit "E."

9. Co-Debtor(s), Mary J. Robinson, are liable on and/or has secured the aforementioned debt with the Debtor(s).

10. Debtor has failed to make the monthly payments of principal, interest, and escrow in the amount of \$1,578.34 which came due on October 1, 2023 through May 1, 2024, respectively.

11. Thus, Debtor(s)' post-petition arrearage totaled the sum of \$12,626.72 through May 24, 2024.

12. The current unpaid principal balance due under the loan documents is approximately \$210,121.16. Movant's total claim amount, itemized below, is approximately \$386,949.20. See Exhibit "F."

Principal Balance	\$210,121.16
Interest (08/1/19 to 05/24/24)	\$40,452.42
Escrow Advance	\$37,176.62
Suspense Balance	\$140.85
Total Fees	\$70.75
Accumulated Late Charges	\$796.32
Recoverable Balance	\$7,741.03
Deferred Principal Balance	\$90,731.75
Total to Payoff	\$386,949.20

13. According to the Debtor's Schedule A/B, the value of the property is \$342,518.00. A true and accurate copy of the Debtor's Schedule A/B, is attached hereto as Exhibit "G."

14. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay and Co-Debtor stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the stay under Section 362(d)(1) and Co-Debtor stay pursuant to 11 U.S.C. § 1301 is established where a debtor has failed to make

installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

15. As set forth herein, Debtor has defaulted on his/her/their secured obligation as he/she/they has/have failed to make his/her/their monthly post-petition installment payments.

16. As a result, cause exists pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 of the Code for this Honorable Court to grant relief from the automatic stay to allow Movant, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.

17. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Movant requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Movant, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 to permit U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2 ACQUISITION TRUST to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: June 5, 2024

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